IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 8 OF 2005

IN

SECOND APPEAL NO. 3 OF 2005

SHRI SURESH KAKODKAR AND ANR., ...Applicants

Versus

SHRI VINAYAK G.NAIK KARMALI(SIN.DEC.) AND ANR., ...Respondents

Mr. V. R. Tamba, Advocate for the applicants.

Mr. S. D. Lotlikar, Senior Advocate with Mr. M. D'Souza, Advocate for the respondents.

Coram:- P.V. KAKADE, J.

Date:- 22nd August, 2006

P.C.

Heard both sides. By this application, the order dated 17.9.2004 is sought to be stayed which was passed in Civil Appeal No. 21/2004. Since it is a fact that the matter is yet to be heard on merits, the order of the lower appellate Court cannot be stayed, especially when it is an order of injunction issued against the appellants-applicants herein and, therefore, the application to grant blanket stay of that order cannot be passed.

However, it is directed that pending the appeal, the respondents shall not create third party interest in the suit property. With this direction, the application stands disposed of.

P.V. KAKADE, J.

ssm.